GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prisons Department – Establishment – **Sri P.Kusa Kumar, Jailor, Central Prison, Visakhapatnam** and (8) others - Exhibited misconduct and gross negligence and intentional violation of the instructions issued by the Head Office and Range Office, thereby giving way for security lapses to occur in Central Prison, Visakhapatnam - Initiation of Departmental Proceedings under **Rule 20 A.P. Civil Services (CC&A) Rules 1991 read with rule 24 of APCS (CC&A) Rules, 1991 – Articles of Charges – Issued.**

HOME (PRISONS & FIRE) DEPARTMENT

G.O.RT.No. 312 Dated: 19-02-2025
Read:

From the Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri vide Lr. No. Estt-2/536/2024, Dated 04.12.2024 & dated: 03.01.2024.

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ORDER:

Whereas, it is proposed to hold an inquiry against **Sri P.Kusa Kumar, Jailor, Central Prison, Visakhapatnam** in accordance with procedure laid down under **Rule 20 A.P. Civil Services (CC&A) Rules 1991 read with rule 24 of APCS (CC&A) Rules, 1991** for exhibiting misconduct and gross negligence and intentional violation of the instructions issued by the Head Office and Range Office, thereby giving way for severe security lapses to occur in Central Prison, Visakhapatnam.

2) The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure. II and III).

3) **Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam** is directed to submit a written statement of his defense within (10) days from the date of receipt of this memo and also to state whether he desires to be heard in person.

4) **Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam** is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5) **Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam** is further informed that if he does not submit his written statement of defense on or before the date specified in para-3 above, or otherwise fails to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991, or the orders/directions issued in pursuance of the said rules, further action will be processed based on the material available.

(P.T.O)

6) Attention of **Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam** is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that he is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7) The receipt of the memorandum shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam
through the Director General of Prisons and Correctional Services,
Andhra Pradesh, Mangalagiri.

Copy to:

The Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri with a request to serve the Memo on the Charged Officer under proper acknowledgement.

Sc/Sf.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

(G.O.Rt.No.312 Home (Prisons & Fire) Department, Dated: 19.02.2025)

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI P.KUSA KUMAR, JAILOR, CENTRAL PRISON, VISAKHAPATNAM

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Article of Charge :

"That Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam exhibited misconduct and gross negligence by showing deliberate disobedience and intentional violation of the instructions issued by the Head Office and Range Office from time to time amounting to insubordination and thereby giving way for severe security lapses to occur in Central Prison, Visakhapatnam and tarnishing the image of the Central Prison, Visakhapatnam in specific and the Andhra Pradesh Prisons Department in general and it amounts to clear violation of Rule No. 88 and 89 of A.P. Prison Rules, 1979 and Rule 3 of A.P.C.S. Conduct Rules, 1964."

Basis of Charge:

1. The Jailor happens to be the Chief Executive Officer of the prison as is mentioned at Rule 153 of Andhra Pradesh Prison Rules, 1979. Although, every Jailor working in a Central Prison has a particular section of work assigned to him, they have equal and collective responsibilities with regard to security aspects of the prison such as taking security measures, taking any preventive measures, making night rounds, ensuring searches and frisking of prisoners, staff and visitors etc. This charged officer, working in the cadre of Jailor in Central Prison, Visakhapatnam has clearly failed to follow and implement the instructions of Range Office, Coastal Andhra Range and of the Head Office and of the Ministry of Home Affairs, New Delhi, Government of India leading to several security lapses and violations at Central Prison, Visakhapatnam placing the Central Prison, Visakhapatnam and the Andhra Pradesh Prisons Department in poor light.

2. One Sri. Kadiyam Srinivasa Rao, working as Pharmacist on foreign deputation basis at Central Prison, Visakhapatnam was searched by the guarding staff posted in the Main Gate area of Central Prison, Visakhapatnam on the night of 18-11-2024 and he was found possessing (03) sealed packets of ganja, one small bottle of liquid ganja and two sealed packets of Khaini, one ear phone set along with one lighter. On questioning this Pharmacist, he informed the prison officers that these contraband items were meant for one remand prisoner, Pathiwada Gowri Sai @ Gurrala Sai. An FIR was registered against this Pharmacist in Cr.No.444/2024, Dt. 19-11-2024 U/s. 20(b)(ii)(A) NDPSA.

3. On the instructions of the Deputy Inspector General of Prisons, Coastal Andhra Range, Dr.V.Sanyasi Rao, Superintendent (Additional Superintendent of Jails), District Jail, Srikakulam made surprise check on Central Prison, Visakhapatnam and collected certain information from the records and CCTV footage of Central Prison, Visakhapatnam with regard to security measures that are being followed in the Institution and reported gross lapses on part of prison officers of Central Prison, Visakhapatnam, vide his letter No:D.J/SKL/2320/2024, dated 27.11.2024 Similarly,

P.T.O

Sri.M.Mahesh Babu, Additional Superintendent of Jails immediately after taking charge as Superintendent (FAC) of Central Prison, Visakhapatnam observed the security lapses in Central Prison, Visakhapatnam and submitted a preliminary report to Deputy Inspector General of Prisons, Coastal Andhra Range on the same, vide his statement, dated 6.12.2024.

4. As per prison procedures that are being followed in Andhra Pradesh Prisons Department, no prison staff except those that are put on duty to make rounds inside the prison at nights shall enter into the prison once the lock up procedures are completed for the day. Range Office, Coastal Andhra Range has issued clear instructions in this regard vide **Memo No.DIG (CAR)/AO/1527/2024, Dt. 28-09-2024**. Yet in case of Central Prison, Visakhapatnam, guarding staff members are freely allowed to enter into the prison at late hours in violation of the issued instructions. Such a practice gives a free hand to miscreants in smuggling contraband and other prohibited articles into the prison. Further the second gate in the Administrative Building leading into the prison isn't kept locked after lockup. There is free movement of guarding staff into the prison after lockup. This is clearly evident from the reports of Dr.V.Sanyasi Rao, Superintendent, District Jail, Srikakulam and Sri M.Mahesh Babu, Superintendent (FAC), Central Prison, Visakhapatnam and also from CCTV footage. The charged officer being the Jailor of Central Prison, Visakhapatnam has utterly failed to implement the security instructions issued in this regard.

5. Dr.V.Sanyasi Rao, Superintendent, District Jail, Srikakulam in his report has stated that, as seen from the CCTV surveillance system, searches are not being conducted properly on the prison staff at the Main Gate while change in shifts. The **Head Office Memo. No. Judl.2/816/2023, Dt. 21-11-2023**, clearly quoting the earlier security lapses at Central Prison, Visakhapatnam, issued instructions that all the officers starting from Deputy Jailors to Additional Superintendent of Jails shall conduct random searches in Main Gate Area at least twice a week and record the same in their respective journals. But no such strict searches are conducted in Central Prison, Visakhapatnam and searches are conducted only as a formality rather than as a necessity. The Head Office vide **Memo. No. 940/SB2/2005, dt. 06-12-2005** has issued clear instructions on Searches and Frisking and the charged officer has clearly ignored the same. The charged officer has failed in ensuring proper searches in the Central Prison leading to several security lapses.

6. Further the Range Office vide **Memo No. DIG(CAR)/AO/174/2023, dated. 03-02-2023** and the Head Office vide **Memo. No. Judl.2/816/2023, Dt. 21-11-2023** have issued clear instructions on how to conduct Special Searches and yet it is evident from the reports of Dr.V.Sanyasi Rao, Superintendent, District Jail, Srikakulam and Sri.M.Mahesh Babu, Superintendent (FAC), Central Prison, Visakhapatnam that only 25 to 30 guarding staff members are present during special searches though there are around 60 guarding staff members on duty. These are in clear violation of Range Office and Head Office instructions. The charged officer has utterly failed to follow the instructions of his superior officers and paved way for serious security lapses to occur in Central Prison, Visakhapatnam.

7. Further as per the written statements given to the Deputy Inspector General of Prisons, Coastal Andhra Range by all the Jailors of Central Prison, Visakhapatnam and also from the report of Dr. V. Sanyasi Rao, Superintendent of District Jail, Srikakulam, and the report dated. 06-12-2024 of Sri M. Mahesh Babu, Superintendent of Jails (FAC), Central Prison, Visakhapatnam, it is clearly evident that the guarding staff members and other staff of Central Prison, Visakhapatnam were allowed to carry their own food carriers into the prison for lunch and dinner purposes, which is in clear violation of Prison procedures and security measures. No searches were conducted on the food boxes carried by the guarding staff members or other staff into the prison. Moreover, despite allowing the guarding staff members to bring their own food carriers into the prison which is against rules, the prison officers have also booked food for the staff according to the diet scale provided to them. This implies that the food for prison staff is only recorded in the registers, while the actual food items must have been siphoned off or had the food been genuinely booked, the entire cooked items must have been wasted, causing a significant loss to the Government Exchequer.

8. It is stated in the FIR filed against Kadiyam Srinivasa Rao, Pharmacist, that this pharmacist was caught carrying three sealed packets of ganja, one small bottle of liquid ganja, two sealed packets of khaini, one earphone set, and one lighter. The presence of the earphone in the contraband articles clearly goes to suggest that there could be a mobile phone inside the prison, yet no efforts have been made by the prison administration to trace the phone. No immediate **Special Searches** were conducted in the prison after the ceasing of these contraband articles from the Pharmacist to locate the mobile phone or the ganja or any other tobacco product, which is clearly a serious security lapse.

9. Furthermore, the presence of lighter in the list of contraband articles with Kadiyam Srinivasa Rao, Pharmacist goes to mean that some person is smoking Ganja or some other Tobacco product in the prison. In an overcrowded prison and when there is a clear prohibition on sale of any tobacco products inside the prison by the Andhra Pradesh Prisons Department and the Government of Andhra Pradesh, no person can go unchecked if he had indulged in smoking. Such an act will be compulsorily be in the notice of co-prisoners or prison staff. If the prisoner had smoked Ganja or another Tobacco product, without anyone noticing it, then there has to be some shadow places inside Central Prison where there is no watch and ward and this is complete failure on part of prison officers of Central Prison, Visakhapatnam in gathering dynamic intelligence or it should mean that the prison officers and staff are intentionally ignoring the usage of tobacco and other products by the prisoners inside the Central Prison. The statement from Sri M. Mahesh Babu, Superintendent (FAC), Central Prison, Visakhapatnam, it is observed that many match boxes were found along with dhoop sticks inside the prisoners' barracks which were allowed to be retained with them. This clearly goes to mean that the smoke from these dhoop sticks must have been used to mask the smell of Ganja or other tobacco products smoked by the prisoners. Being the Jailor of Central Prison, this charged officer must have noticed the issue and took corrective measures, but he failed to do so.

10. There is a circular issued on security vide **Circular No.20 DIG(TR)/98 – 2583, Dated. 25-09-1998 (reiterated vide Head Office No.Estt(G3)/Misc/2012, Dt.17-07-2012)**, wherein it is clearly mentioned that no post inside the prison shall be kept vacant during night times. Yet no attention was placed on this issue. The Head Office vide **Memo No.EA4/1364/2002, Dated.31-08-2002** and the Range Office, Coastal Andhra Range vide **Memo No.DIG(CAR)/AO/575/2023, Dated. 13-04-2023** issued clear instructions to adopt "2-Shift System" of guarding instead of "3-Shift System" of guarding in institutions where there is shortage of guarding staff. In spite of having knowledge that several security related lapses were reported and were happening at night times in the Central Prison, the charged officer being the Jailor and being pretty well aware of the overcrowding in the prison and shortage of guarding staff, he must have suggested the Superintendent of Prisons to adopt 2-Shift System of Guarding instead of the already existing 3-Shift System of Guarding. Had 2-Shift System of guarding was adopted in Central Prison, Visakhapatnam, there would have been a greater number of guarding staff members in the Central Prison and the prisoner movements could have been effectively monitored. The failure in assessing the guarding staff requirement in an overcrowded Central Prison and deliberate disobedience to Head Office and Range Office instructions have resulted in several security related lapses in the prison. This is clearly a failure on part of the charged officer and shows his inefficiency in managing a prison institution.

11. Several instructions of Head Office, Range Offices, Government, Hon'ble Courts etc., issued with regard to security and prison administration have been communicated to this charged officer vide Memorandum No.DIG(CAR)/OS/ 1140/2022, Dated. 11-10-2022 and further reiterated vide several memos by the Deputy Inspector General of Prisons, Coastal Andhra Range, yet this charged officer failed to adhere to the issued instructions, clearly showing his misconduct and insubordination. This charged officer has worked in various prison institutions prior to his posting at Central Prison, Visakhapatnam. When he happened to notice anything in prison which is not as per rules, he is supposed to bring the same to the notice of the Superintendent and if the Superintendent isn't paying any heed to his advice, he should have brought the issues to the notice of the concerned DIG of Prisons or the IG of Prisons or even the DG of Prisons, but that was not done so. This goes to mean that the charged officer has connived with other supervisory officers in allowing such prison lapses to happen in the prison.

12. Thus, the charged officer has clearly violated Rule No. 88, 89 of the A.P. Prison Rules, 1979 and several security and other instructions issued from Range Office and Head Office and his actions are unbecoming on the part of Government Servant which are clearly against Rule 3 of A.P.C.S. Conduct Rules, 1964.

Hence, the Charge.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE.II

(G.O.Rt.No.312 , Home (Prisons & Fire) Department, Dated: 19.02.2025)

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI P. KUSA KUMAR, JAILOR, CENTRAL PRISON, VISAKHAPATNAM ARE PROPOSED TO BE SUSTAINED

1. Head Office vide Memo No.Judl.2/816/2023, Dt. 21-11-2023
2. Head Office Memo No.940/SB2/2005, dt. 06-12-2005.
3. Range Office Memo No.DIG(CAR)/AO/174/2023, dated 03-02-2023
4. Range Office Memo No.DIG(CAR)/AO/1527/2024, Dt. 28-09-2024
5. Head Office Circular No.SB3/285/98, Dt.31-03-1998
6. V-17013/11/2022-PR, Dt.02-05-2022 of the Ministry of Home Affairs, New Delhi, Government of India.
7. No.V-17013/4/98-GPA-IV dt.21-09-98 of Ministry of Home Affairs, New Delhi, Govt. of India, communicated vide Head Office, Memo, dated 1.12.98.
8. Government Memo No.2574/PRI&Fire/A1/2015, Dt.15-05-2015 communicated through Head Office Memo No.Jud-2/AP/07/2015, Dt.18-05-2015.
9. Head Office Circular Memo No.Jud-2/68/2015, Dt.27-10-2015
10. Minutes of Director General of Prisons, AP communicated vide No.Estt(G3)/Misc/2012, Dt.17-07-2012
11. Head Office Memo No.EA4/1364/2002, Dated.31-08-2002
12. Range Office Memo. No. DIG(CAR)/OS/ 1140/2022, Dated. 11-10-2022
13. Range Office Memo. No. DIG(CAR)/AO/575/2023, Dated. 13-04-2023
14. Circular No.20 DIG(TR) / 98 – 2583, Dated. 25-09-1998. Even though it is a memo issued from DIG Prisons (Telangana Range), the Head Office has mentioned it the memo cited at sl.no.10 above for strict adherence to the issued instructions along with other security instructions.
15. Report vide Lr. No. DJ/SKL/SOA/2320/2024, Dt. 27-11-2024 of Dr. V. Sanyasi Rao, Superintendent, District Jail, Srikakulam.
16. Statement Dt. 06-12-2024 of Sri M. Mahesh Babu, Superintendent (FAC), Central Prison, Visakhapatnam
17. Statement Dt. 25-11-2024 of Sri P. Kusa Kumar, Jailor, Central Prison, Visakhapatnam.
18. Statement Dt. 06-12-2024 of Sri K. Jawahar Babu, Deputy Superintendent, Central Prison, Kadapa presently working on attachment at Central Prison, Visakhapatnam.
19. Statement of Dt. 07-12-2024 of Sri T. Durga Rao, Jailor, Special Sub Jail, Gudur, presently working on attachment at Central Prison, Visakhapatnam.
20. Statement of Dt. 07-12-2024 of Sri A. Eswara Rao, Jailor, Central Prison, Visakhapatnam
21. Statement Dt. 07-12-2024 of Sri I. Murali, Jailor, Central Prison, Visakhapatnam
22. Statement Dt. 07-12-2024 of Sri Ch. Srinivas, Jailor, Central Prison, Visakhapatnam.
23. Statement Dt. 07-12-2024 of Sri R. Chinna Rao, Jailor, Central Prison, Visakhapatnam.
24. Copy of F.I.R. in Cr.No:444/2024 of Arilova Police Station, Visakhapatnam Commissionerate, u/s 20(b)(ii)(A) NDPSA, registered against Sri Kadiyam Srinivasa Rao, Pharmacist, Central Prison, Visakhapatnam
25. True extracts of Special Searches conducted on 13.11.2024, 25.11.2024 and 4.12.2024 of Central Prison, Visakhapatnam

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-III

(G.O.Rt.No.312 , Home (Prisons & Fire) Department, Dated: 19.02.2025)

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI P. KUSA KUMAR, JAILOR, CENTRAL PRISON, VISAKHAPATNAM ARE PROPOSED TO BE SUSTAINED

1. Dr. V. Sanyasi Rao, Superintendent, District Jail, Srikakulam.
2. Sri M. Mahesh Babu, Superintendent (FAC), Central Prison, Visakhapatnam
3. Sri K. Jawahar Babu, Deputy Superintendent of Jails, Central Prison, Kadapa presently working on attachment at Central Prison, Visakhapatnam.
4. Sri T. Durga Rao, Jailor, Special Sub Jail, Gudur, presently working on attachment at Central Prison, Visakhapatnam.
5. Sri A. Eswara Rao, Jailor, Central Prison, Visakhapatnam
6. Sri I. Murali, Jailor, Central Prison, Visakhapatnam
7. Sri Ch. Srinivas, Jailor, Central Prison, Visakhapatnam.
8. Sri R. Chinna Rao, Jailor, Central Prison, Visakhapatnam.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT